

EDITORIAL: Kamala Harris failed to tell voters about Prop. 47 DNA impact



State Attorney General Kamala Harris

RICHARD VOGEL — Associated Press file

As California's attorney general, Kamala Harris was responsible for coming up with Proposition 47's official title and summary, the 100-word blurb that helps inform voters about the impact of ballot measures.

As California's top law enforcement officer, Harris also oversees the lab that analyzes DNA collected from criminals.

Yet now, three months after voters approved the initiative that reduced drug and property crimes from felonies to misdemeanors, law enforcement authorities other than Harris, are sounding the alarm that Proposition 47 could be responsible for a drastic reduction in the number of DNA samples being collected for analysis.

Sacramento County District Attorney Anne Marie Schubert cited California Department of Justice statistics showing that police were submitting 15,000 DNA samples to the state for analysis before the November election. Now, Schubert told a Sacramento Bee editorial board member, the state is receiving about 5,000 DNA samples a month.

These samples are matched against samples taken from crime scenes. Perhaps they are murder scenes. Maybe they are samples taken from rape victims. How many past or future crimes might be solved by the missing samples is unknowable.

As we wrote Sunday, DNA from people who committed lower-level offenses has been used to solve major crimes,

including murder.

There could be other reasons for the drop-off. A December decision by the California Court of Appeal in San Francisco restricts law enforcement's authority to take DNA from people who have not been convicted of crimes. Harris has appealed the decision to the state Supreme Court.

However, the fact that an appellate court curtailed DNA collection in December does not explain why Harris failed to make clear to voters prior to the November election that the initiative would have such a significant consequence. Harris did not take a stand on the initiative.

The Sacramento Bee asked Harris' aides recently whether she knew that Proposition 47 would restrict DNA collection, and if she was aware, why she didn't flag it for voters.

Her office offered a statement: "The Attorney General's office creates an initiative title and summary based on what the measure will do and within the 100-word limit provided by law."

Yes, 100-word blurbs are brief.

But if she was aware of the DNA issue, Harris could have exchanged some of the verbiage for the following nine words: Will curb law enforcement's authority to collect DNA samples.

If she wasn't aware of the DNA issue, she was not doing her job.

San Francisco District Attorney George Gascón, one of the main proponents of the measure, was forthright. In an interview, Gascón said he knew Proposition 47 would limit law enforcement's authority to collect DNA because it reduced certain drug and property offenses to misdemeanors rather than felonies.

"That was not an area that was a primary area of concern," Gascón said. If policymakers believe DNA should be collected from everyone who is arrested, "that is a topic worthy of significant debate," he added.

Assembly Member Mike Gatto, a Los Angeles Democrat, has introduced legislation, Assembly Bill 84, related to DNA collection. Assembly Member Jim Cooper, D-Elk Grove, intends to introduce a bill soon. A policy debate will take place in the Legislature; that's good.

But before casting their ballots on Proposition 47, voters might have wanted to know its implications for DNA collection and, by extension, law enforcement's ability to solve serious crimes. Harris had an obligation to inform them.

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